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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,265	11/09/2000	Willem Van Erk	PHN-17.734	3672

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EXAMINER

KEANEY, ELIZABETH MARIE

ART UNIT PAPER NUMBER

2882

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/709,265	Applicant(s) VAN ERK, WILLEM	
	Examiner Elizabeth Gemmell	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 7 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of the Amendment and Remarks filed 14 October 2003.

Response to Arguments

Applicant's arguments with respect to claims 1,2,5 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,5,6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugimoto et al. (US Patent 5,479,065; hereinafter Sugimoto).

Re claims 1 and 4: Sugimoto discloses, in figure 1 and throughout the disclosure, a high-pressure gas discharge lamp comprising:

- a quartz glass lamp (16) which is closed in a gastight manner, with a space which is enclosed by a wall and in which a pair of electrodes (18a,18b) is arranged;
- an outer surface of the wall extending between the pair of electrodes; and

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- a filling provided in the space and comprising a rare gas (argon, column 3, line 53), a mercury buffer (column 3, line 53) and halides of tin (Table 1, line 4) and indium (Table 1, line 5),
 - characterized in that the wall has a wall load of at least 30 W/cm^2 at its outer surface (column 3, line 45), and in that the filling further consists essentially of an alkali metal halide with at least one alkali ion and at least one halide ion, the alkali ion being chosen from the group formed by potassium, rubidium, and cesium (Table 1, line 3), and the halide ion being chosen from the group formed by chlorine, bromine, and iodine (Table 1).

Re claim 2: Sugimoto discloses the lamp having an arc length of at most 10mm (column 3, line 50).

Re claim 5: Sugimoto discloses, in figure 1 and throughout the disclosure, a reflector in the lamp vessel that is fixed (12).

Re claim 6: Sugimoto discloses the high-pressure gas discharge lamp being a DC lamp (column 3, line 36).

Re claims 8 and 9: Sugimoto discloses, in figure 1 and throughout the disclosure, a high-pressure gas discharge lamp comprising:

- a quartz glass lamp (16) which is closed in a gastight manner, with a space which is enclosed by a wall and in which a pair of electrodes (18a,18b) is arranged;
- an outer surface of the wall extending between the pair of electrodes; and
- a filling provided in the space and comprising a rare gas (argon, column 3, line 53), a mercury buffer (column 3, line 53) and halides of tin (Table 1, line 4) and indium (Table 1, line 5),
 - wherein, during the operation of the lamp, the temperature of a major portion of the wall is greater than 800°C (column 1, line 57), and the filling further consists essentially of an alkali metal halide with at least one alkali ion and at least one halide ion, the alkali ion being chosen from the group formed by potassium, rubidium, and cesium (Table 1, line 3), and the halide ion being chosen from the group formed by chlorine, bromine, and iodine (Table 1).

Regarding the limitation of the wall temperature being greater than 800°C, Sugimoto discloses the wall temperature reaching almost to the melting point of the arc tube. The arc tube is made of silica and silica has a melting point of 1710°C¹. Therefore, the wall temperature disclosed by Sugimoto would be greater than 800°C and 1050°C.

¹ www.webelements.com

Allowable Subject Matter

Claims 3 and 7 are allowable over the prior art.

The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record discloses a high-pressure gas discharge lamp having a fill comprising a rare gas, a mercury buffer gas, halides of tin and indium, and an alkali metal halide with the alkali ion being cesium and the halide ion being either chlorine, bromine or iodine. However, the prior art fails to teach or fairly suggest the alkali ion being either potassium or rubidium as claimed in claims 3 and 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Gemmell whose telephone number is (703) 305-1937. The examiner can normally be reached on Monday-Thursday 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (703) 308-4858. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


emg


EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER